

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPEAL**

**March 10, 2004**

## DIVISION TWO

[illegible]

The judgment is reversed with directions to the trial court to conduct an in camera hearing on appellant's discovery motion consistent with this opinion. If the in camera hearing reveals no discoverable information as to Officer Cho, Officer Oviatt and Officer Vergara's personnel files which would lead to admissible evidence helpful to appellant's defense, the trial court shall reinstate the original judgment and sentence. If the in camera hearing reveals relevant discoverable information in one or more of the officers' files which could lead to admissible evidence helpful to appellant in defense of the charges, the trial court shall evaluate the materiality of the new evidence in light of the whole record, allow appellant to demonstrate prejudice and determine whether to grant appellant a new trial.

Doi Todd, J.

We concur: Nott, Acting P.J.  
Ashmann-Gerst, J.

B165223      Benson, et al.      (Not for Publication)  
v.  
Conseco Annuity Assurance Co.

The judgment is affirmed. Appellants are ordered to bear respondent's costs of appeal.

Doi Todd, J.

We concur: Nott, Acting P.J.  
Ashmann-Gerst, J.

March 10, 2004 (Continued)

## DIVISION TWO (Continued)

B164073      Yates      (Not for Publication)  
v.  
Wagar

The judgment is affirmed. Appellant Wagar to bear costs on appeal.

Doi Todd, J.

We concur:   Boren, P.J.  
                  Ashmann-Gerst, J.

B167127 People (Not for Publication)  
v.  
Sanni

The judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                   Ashmann-Gerst, J.

### DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B169448 Children and Family Services v. Charlotte L.  
B170947 Children and Family Services v. Terrelle C.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B167575     Los Angeles County, D.C.S.  
              v.  
              Latoya B.

Merits:  
Argued by Harry Zimmerman for appellant and by William D. Thetford,  
deputy county counsel for respondent. Cause submitted.

B161867     Kravitz  
              v.  
              Brauner, et al.

Merits:  
Argued by Peter B. O'Brien for appellant and by Stephen Pasarow, Gina  
Och and John R. Szewczyk for respondents. Cause submitted.

B169169     County of Los Angeles  
              v.  
              Workers Compensation Appeals Board  
              Hedwall, Respondent

Merits:  
Argued by Leah D. Davis, deputy county counsel for petitioner and by  
Cirina A.K. Rose for respondent. Cause submitted.

B163730     Westside Investments, Inc., et al.  
              v.  
              Rabizadeh, et al.

Merits:  
Argued by Morton Minikes for appellants and by Jeffrey S. Gubernick for  
respondent. Cause submitted.

Court adjourned at 12:03 p.m.

## March 10, 2004 (Continued)

### DIVISION THREE (Continued)

B164472 Simon Bae (Not for Publication)

$$\mathbf{V}_i$$

Korean American Federation of Los Angeles, et al.

The judgment is reversed. The matter is remanded to the trial court for a new trial. The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B161006 Canton Poultry &amp; Deli, Inc., et al. (Not for Publication)

 $\mathbf{V}_s$ 

California Indemnity Insurance Company

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

## DIVISION FIVE

B163821 Citicorp Ventr Finance, Inc. (Not for Publication)

 $\mathbf{V}_s$ 

Hope Mart, Inc. etc.

The judgment is modified as reflected in the written stipulation on file with the clerk of the court. That stipulation is to be forwarded along with this opinion to the trial court. The trial court is to then execute the modified judgment pursuant to the stipulation. As modified, the judgment is affirmed. Each side is to bear its own costs on appeal.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

DIVISION FIVE (Continued)

B168803      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Suzette R.

The order denying without a hearing the Welfare and Institutions Code  
section 388 petition is affirmed.

Turner, P.J.

We concur:   Grignon, J.  
                  Armstrong, J.

B170563      People      (Not for Publication)  
v.  
James Kellam

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                  Armstrong, J.

B168373      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Mincahel N.  
In re Harrison S.

The orders are affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                  Armstrong, J.

March 10, 2004 (Continued)

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B165906      Merrill's Draperies, Inc.

v.

Covey

Merits:

Argued by Pauline Maxwell for appellant and by Gabriele Metzger-Lashly for respondents. Cause submitted.

B166989      Lavado

v.

DeLoreto

Merits:

Argued by Monty H. Amyx for appellants and by James P. Ballantine for respondents. Cause submitted.

B167413      Danielson

v.

City of Santa Barbara

Merits:

Argued by Kate M. Neiswender for appellants and by Stephen P. Wiley, Deputy City Attorney, for respondents. Cause submitted.

B158838      So. California Gas Co.

v.

Pacific Offshore Pipeline Co.

Merits:

Argued by Barbara W. Ravitz for appellant and by Douglas B. Large for respondents. A demonstrative exhibit re: contractual relationships was used by respondent without objection and with the court's permission. Cause submitted.

DIVISION SIX (Continued)

B163532     Marriage  
                 of  
                 Milner

Merits:

Argued by Kathryn H. Lamat for appellant and by David Milner, respondent, appearing in propria persona. Appellant submits missing page 12 of the Appellant's Opening Brief with the court's permission. Cause submitted.

Coffee, J. left the bench.

B162351     Lopez  
                 v.  
                 Rubio

Merits:

Argued by John W. Fricks for appellants and by Scott M. Schlegel for respondents. Cause submitted.

Court recessed at 12:10 P.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B168098 Dept. of Social Services v. Heather C.

B169570 Dept. of Social Services v. Richard C. and Elizabeth C.

B170239 Dept. of Social Services v. Nicole R.

Argument waived, cause submitted.

B168458     Citizens for Goleta Valley v. HT Santa Barbara

Argument continued to April, 2004.

DIVISION SIX (Continued)

B167262     Marriage  
              of  
              Harris

Merits:  
Argued by Suzanne K. Biely for respondent. Argument previously waived  
by appellant. Cause submitted.

B172062     Michelle H.  
              v.  
              Santa Barbara Superior Court  
              (Child Welfare Services, r.p.i.)

Extraordinary:  
Presented by Suzanne K. Biely for petitioner and by David C. McDermott,  
Senior Deputy County Counsel, for real party in interest. Cause submitted.

B166080     Blackburn  
              v.  
              Charnley

Merits:  
Argued by Paul J. Weinberg for appellants and by Roy E. Ogden for  
respondents. Cause submitted.

Coffee, J. left the bench.

B170922     Dept. of Alcoholic Beverage Control  
              v.  
              Alcoholic Beverage Control Appeals Board (7-Eleven Inc., r.p.i.)

Review:  
Presented by Michael Glenn Witmer, Deputy Attorney General, for  
petitioner and by Ralph B. Saltsman for real party in interest. Cause  
submitted.

Court adjourned at 2:45 P.M.



March 10, 2004 (Continued)

## DIVISION SEVEN

[illegible]

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Zelon, J.

B161078      Berlad, et al.      (Not for Publication)  
v.  
The Office of Administrative Hearings  
Frank D. Lanterman Regional Center

The judgment is affirmed. Each party to bear their own costs.

Johnson, J.

We concur: Perluss, P.J.  
Zelon, J.

B161088      Montoya, et al.      (Not for Publication)  
v.  
Vargas

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.  
Zelon, J.

March 10, 2004 (Continued)

## DIVISION SEVEN (Continued)

B167158      Carleo  
v.  
Du

Filed order denying petition for rehearing.

|         |                            |
|---------|----------------------------|
| B169729 | Eagles v. Albertson's Inc. |
| B171788 | Eagles v. Albertson's Inc. |

Filed order consolidating above captioned appeals.

## DIVISION EIGHT

B164971 People (Not for Publication)  
v.  
Quijano

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Flier, J.